IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.121 OF 2003

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.P.A.Pol APP for State

Coram : R.S.Mohite, J

Date : 28.11.2007

PC

1. This is an application for leave to appeal.

2. By the impugned judgment and order the accused who is a relative of the husband of the deceased Vaishali and who resides in the neighbouring house has been acquitted for the offence under section 306 IPC. The case of the prosecution turns upon two dying declarations. If the dying declarations are read, it appears that it was the allegation of the deceased against the accused that for last two years the accused used to abuse her. What abuses were given are not

specified. One incident of beating the deceased is two months prior to suicide. Admittedly, the deceased was staying along with her husband. In such circumstances, even if assumed that there was a friction, abusing and quarrels between the three ladies, it cannot be said that the accused had abetted the commitment of suicide.

Hence, leave refused. Appeal papers to be filed. R and P to be sent back.

(R.S.Mohite,J)